WSP welcomes the opportunity to contribute to this very important inquiry into prostitution. WSP is happy for our response to be made public.

The WSP is a Scottish charity working to raise awareness around violence against women and to improve services for those affected, including people affected by commercial sexual exploitation. There are clear links between child abuse, childhood neglect and domestic abuse and women’s involvement in prostitution. These factors, along with poverty, addictions, homelessness, trauma and mental health issues create vulnerability and inequality, which is exploited through men’s payment for sexual activity.

The main points from our submission are that –

- We believe the focus of any criminal sanctions should be placed on those who choose to exploit others vulnerability ie the purchasers.
- We support the decriminalisation of the sellers of sex, the criminalisation of the buyers of sex and legislation to ensure robust services, including support for those who wish to exit prostitution.

1/ Whether criminal sanction in relation to prostitution should continue to fall more heavily on those who sell sex, rather than those who buy it.

1.a We believe that those who are involved in selling sex in prostitution should not be criminalised. ‘Equally Safe’ – Scotland’s strategy to prevent and eradicate all forms of violence against women and girls names commercial sexual exploitation as part of the spectrum of gender based violence against women, yet women and men involved in street prostitution are still being convicted for soliciting offences. In no other area of VAW are those who are directly affected penalised under legislation. We have consistently supported and called for changes in legislation to address this.

1.b An advantage would be the decriminalisation of the sale of sex in public places. This would mean that women and men involved in selling sex would –

- No longer be convicted of soliciting offences thereby removing one barrier to future employment
- No longer be jailed for non-payment of soliciting fines
- No longer be under pressure to have money to pay such fines and potentially have to return to selling sex to do so.
- No longer be defined as ‘a known prostitute’

This could also support those selling sex to report violent crimes committed against them to the police. However there are risks to decriminalising street prostitution without the introduction of adequate safeguards to prevent vulnerable person entering the sex industry.

1.c We believe that the focus of work to reduce exploitation must be on the demand to buy sex, that is, the men who assume the right to purchase others in prostitution,
commodifying and marketing their bodies. No one has the right to exploit, nor profit from the exploitation of, another person regardless of any form of exchange of money, goods or services. The WSP takes the view that in a UK striving towards equality and human rights it is not acceptable to condone or ignore the exploitation of women (and men) in prostitution. Condoning or accepting prostitution undermines other work on gender equality and on violence against women. What sense could we make of work against sexual violence, rape, sexual harassment and stalking if men can simply buy these activities through prostitution?

2/ What are the implications for prostitution-related offences of the Crown Prosecution Service's recognition of prostitution as violence against women.

2.a If prostitution is recognised as violence against women then the law should reflect and support this. Our current legal system does not reflect this policy position and needs reformed.

Women face criminal sanctions for their sexual exploitation, while those who exploit - the purchasers - are permitted to do so by the law, because paying for sex is legal in indoor settings or via the internet. This treats the bodies of women as acceptable commodities to be bought for sexual purposes, whilst institutionalising the rights of men as purchasers of these bodies.

3/ What impact the Modern Slavery Act 2015 has had to date on trafficking for purposes of prostitution, what further action is planned, and how effectively the impact is being measured.

3 a The UK has made commitments to tackling violence against women through different International Measures and Obligations including the UN Convention on the Elimination of All Forms of Discrimination against Women, the UN Convention on the Rights of the Child and the Palermo Protocol. Work to prevent and tackle commercial sexual exploitation, including prostitution, must be undertaken in order to meet these international commitments.

3 b Neither the Modern Slavery Act 2015 nor the Human Trafficking and Exploitation (Scot) Act 2015 contain explicit measures to tackle demand. There are offences for human trafficking for sexual exploitation and prostitution but the demand to purchase sexual activity also needs to be addressed. This is a core part of any prevention to eradicate human trafficking for sexual exploitation.

The Scottish Government is still developing their Strategy to support the Human Trafficking and Exploitation (Scot) Act and we intend to strongly advocate for this to explicitly include means to tackle demand for commercial sexual exploitation within Scotland.

4) 'Whether further measures are necessary, including legal reforms, to:'
**4 a 'Assist those involved in prostitution to exit from it'**

We call for comprehensive, trauma based services to support those involved in selling or exchanging sex. This must include harm reduction services but must also include exiting support. Barriers to exiting must be removed which includes the sale of sex being decriminalised. Having a conviction for soliciting can be a significant barrier to exiting.

If prostitution is a form of violence against women then there must be a recognition of the need for support services for those currently involved, those who want to exit and those who are survivors.

**4b 'Increase the extent to which exploiters are held to account'**

We are concerned that more women who sell sex are being convicted and charged for prostitution related offenses especially for soliciting for sex in a public place. There is a disproportionate focus in terms of enforcement with purchasers not receiving the same attention. A change in the law to focus on the act of purchasing sex, as opposed to the location in which it took place, would reaffirm that this is a form of violence against women and not a public nuisance or anti-social behaviour issue.

**4 c 'Discourage demand which drives commercial sexual exploitation'**

The introduction and enforcement of legislation targeting those buying sex in all settings would act as a strong deterrent for the demand for this form of violence against women.